

REMARKS

With this amendment, Applicant cancels claims 3 and 46. Claims 1, 2, 4-45 and 47-92 are all the claims pending in the application.

I. Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 1-14, 16, 20, 21, 24, 25, 38, 40, 43-51, 53, 54, 57, 60, 61, 64, 65, 67, 72, 74, 76 and 78-92 under 35 U.S.C. § 103(a) as being unpatentable over Mayle *et al.* (US 6,018,774) [“Mayle”], in view of Haeberli (US 6,587,596) [“Haeberli”]. For at least the following reasons, Applicant traverses the rejection.

Claim 1 recites an image distributing system that comprises “an image collecting unit for automatically selecting said second image data among said plurality of said image data stored in said image database by identifying the target character according to character information thus obtained for distributing the second image including the target character; and an image selecting terminal showing the images collected by said image collecting unit to a user and prompting the user to select images.” The Examiner contends that Mayle discloses the claims image selecting terminal at col. 7, lines 21-27, and at col. 7, line 66, to col. 8, line 11. Office Action at page 6. Applicant disagrees.

In a non-limiting embodiment of the present invention as set forth in claim 1, after the image collecting unit automatically selects the second image data among the plurality of image data stored in the image database by identifying the target character, the following procedures are performed in order to provide a user with images that he or she prefers.

First, the image selecting terminal shows the images collected by the image collecting unit, which are images that contain the target character alone or with a certain other character or characters. Second, the user selects the images that he/she prefers. For a detailed description of a non-limiting embodiment of this feature, please see at least Figs. 14 and 15 and the specification at page 29, line 28, to page 31, line 5.

In contrast, the system in Mayle does not disclose or suggest collecting images in a database by identifying the target character. The Examiner's reliance on col. 7, lines 21-27, and col. 7, line 66, to col. 8, line 11, is misplaced since these sections merely describe that a separate user computer may receive the electronic postcard as an e-mail and that personal information may be added to tabs on the electronic postcard. Therefore, the claimed image distributing system that "prompt[s] the user to select images" as set forth in claim 1 is not disclosed or suggested by Mayle and Haeberli (either alone or in combination).

Because claims 43 and 78 recites features analogous to those given above with respect to claim 1, Applicant submits that claims 43 and 78 are patentable for at least reasons analogous to those given above with respect to claim 1.

Applicant submits that claims 2, 4-14, 16, 20, 21, 24, 25, 38, 40, 44, 45, 47-51, 53, 54, 57, 60, 61, 64, 65, 67, 72, 74, 76 and 79-92 are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 18, 19, 58 and 59 under 35 U.S.C. § 103(a) as being unpatentable over Mayle in view of Haeberli, as applied to claims 1 and 43 above, and further in

view of Acosta *et al.* (US 6,166,729) ["Acosta"]. For at least the following reason, Applicant traverses the rejection.

Because Acosta does not cure the deficient teachings of Mayle and Haeberli given above with respect to claims 1 and 43, Applicant submits that claims 18, 19, 58 and 59 are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 15, 17, 22, 23, 26, 27, 28, 36, 37, 39, 41, 52, 56, 62, 66, 68, 69, 71, 73 and 75 under 35 U.S.C. § 103(a) as being unpatentable over Mayle in view of Haeberli, as applied to claims 1 and 43 above, and further in view of Kuno (US 6,567,121) ["Kuno"]. For at least the following reason, Applicant traverses the rejection.

Because Kuno does not cure the deficient teachings of Mayle and Haeberli given above with respect to claims 1 and 43, Applicant submits that claims 15, 17, 22, 23, 26, 27, 28, 36, 37, 39, 41, 52, 56, 62, 66, 68, 69, 71, 73 and 75 are patentable at least by virtue of their respective dependencies.

The Examiner has rejected claims 29-34, 35, 42, 70 and 77 under 35 U.S.C. § 103(a) as being unpatentable over Mayle in view of Haeberli, Kuno and Acosta. For at least the following reasons, Applicant traverses the rejection.

Because Acosta and Kuno do not cure the deficient teachings of Mayle and Haeberli given above with respect to claims 1 and 43, Applicant submits that claims 29-34, 35, 42, 70 and 77 are patentable at least by virtue of their respective dependencies.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

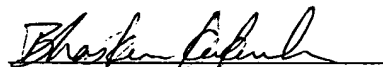
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Bhaskar Kakarla
Registration No. 54,627

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